IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 10918 of 1993

For Approval and Signature:

HON'BLE MR.JUSTICE M.R.SHAH

==========

1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

V H PATEL

Versus

STATE OF GUJARAT

Appearance:

1. Special Civil Application No. 10918 of 1993
NOTICE SERVED for Petitioner No. 1
GOVERNMENT PLEADER for Respondent No. 1-2

CORAM : HON'BLE MR.JUSTICE M.R.SHAH

Date of decision: 26/03/2004

ORAL JUDGEMENT

Though served, nobody appears on behalf of the petitioner. In the present Special Civil Application filed under Article 226 of the Constitution of India, the petitioner, who was at the relevant time Secretary of the Council for Social Justice, made a grievance with regard to not providing of proper hostel facility, mess facility and other basic amenities to the students of Government

Kumar Chatralay run by respondent No.2 herein and he has also prayed for certain other reliefs. This Court has admitted the Special Civil Application on 17.8.1994.

2. As stated above, though served nobody has remained present on behalf of the petitioner and prima facie it seems that either the grievance which is raised in the present Special Civil Application does not survive, or the petitioner has lost interest in the present Special Civil Application. Therefore, in light of this, I have considered the affidavit-in-reply filed by one Shri H.U. Parmar, Deputy Director of Social Welfare, Gujarat State, Gandhinagar, dated 25th October 1993. In Para 5 of the reply, it is specifically stated that when the hostel was opened in August 1991 no suitable accommodation was available with the Government and therefore the Government procured rented premises to house the students and the said premises was sufficient for 50 students. It is also pointed out in the said affidavit-in-reply that subsequently as more applications were received few more students were required to be admitted in the hostel and therefore those students were admitted to enable them to prosecute their studies and therefore there was some difficulty faced by the students. It is stated in the said reply that if few more students would not have been admitted in the hostel then they would not have been in a position to get education. It is also further pointed out in Para 7 of the affidavit-in-reply that the students are provided food at the Government cost and lodging facility is available in the PTC Mess which is run by the GUjarat University and the Government pays about Rs. 385/- per month per student. It is also submitted in the said reply that the said facilities are made available to the student from beginning of the hostel. It is also pointed out in the said affidavit-in-reply that there was some minor difficulties faced by the students in the rented premises which have been sorted out to the satisfaction of the students and all the basic amenities are provided. Considering the affidavit-in-reply, nothing further is required to be done as the grievance of the petitioner does not survive. Under the circumstances, the Special Civil Application is disposed of accordingly. Rule is discharged with no order as to costs.

rmr. [M.R. Shah, J.]